

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery
clause with generating performance incentive
factor.

DOCKET NO. 20250001-EI
ORDER NO. PSC-2025-0248-CFO-EI
ISSUED: June 25, 2025

ORDER GRANTING FLORIDA POWER & LIGHT COMPANY'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION
(DOCUMENT NO. 03277-2025)

On April 30, 2025, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Florida Power & Light Company (FPL) filed a Request for Confidential Classification (Request) of Forms 423-1(a), 423-2(a), 423-2(b), and 423-2 for the first quarter of 2025. (Document No. 03277-2025).

Request for Confidential Classification

FPL contends that the information contained in Forms 423-1(a), 423-2(a), 423-2(b), and 423-2 for the first quarter of 2025, as more specifically described in the tables in Attachment C to its Request, constitutes proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. FPL asserts that this information is intended to be and is treated by FPL as private and has not been publicly disclosed.

FPL's justification for asserting that the information is confidential is found in more detail in Attachment C to its Request. FPL contends that part of the information involves contractual information which, if made public, "would impair the efforts of FPL to contract for goods or services on favorable terms" pursuant to Section 366.093(3)(d), F.S. FPL asserts that some of the information references pricing information for coal. FPL also asserts that some of the information delineates the price per barrel FPL has paid for fuel oil for specific shipments from specific suppliers and that the information would allow suppliers to compare an individual supplier's price with the market quote for that date of delivery and thereby determine the contract pricing formula between FPL and that supplier. Collectively, the availability of this type of information would likely eliminate the opportunity for FPL to obtain price concessions for future coal and fuel oil purchases.

Ruling

Section 366.093(1), F.S., provides that records the Florida Public Service Commission (Commission) has found to contain proprietary business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and has not been voluntarily disclosed to the public. Section

366.093(3), F.S., provides that proprietary confidential business information includes, but is not limited to:

- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

Upon review, it appears the information and data provided in FPL's Request satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information related to coal and fuel oil pricing appears to be "information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms" and "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information." Thus, the information identified in Document No. 03277-2025 shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of up to 18 months from the date of issuance of this Order unless good cause is shown that protection from disclosure shall be for a specified longer period. FPL has requested that this information be protected for a period of 24 months due to the fact that Form 423 information, by its nature, routinely contains proprietary confidential fuel pricing information as set forth herein. A 24-month confidentiality period balances regulatory burdens to the utility and information accessibility by the public. Given these factors, this material shall be granted confidentiality for a period of 24 months from the date of this Order.

Based on the foregoing, it is hereby

ORDERED by Gabriella Passidomo Smith, as Prehearing Officer, that Florida Power & Light Company's Request for Confidential Classification of Document No. 03277-2025 is granted, as set forth herein. It is further

ORDERED that the information in Document No. 03277-2025, for which confidential classification has been granted, shall remain protected from disclosure for a period of up to 24 months from the date of issuance of this Order. At the conclusion of the 24-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Florida Power & Light Company or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Gabriella Passidomo Smith, as Prehearing Officer, this 25th day of June, 2025.



Gabriella Passidomo Smith
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

RPS

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.